HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4028 of 2007

PETITIONER	G.M. Jha S/o Late Shri V.S. Jha, Aged About 50 yrs. Occupation, Assistant Director, Tribal Research Institute Raipur, Resident of Kanchanganga Colony Raipur (C.G.)
	Versus
RESPONDENTS	1 State of Chhattisgarh Through Secretary Tribal Department (S.C. & S.T.) D.K.S. Bhawan Mantralaya, Raipur (C.G.)
	2 Additional Secretary, Department (S.C. & S.T.) D.K.S. Bhawan Mantralaya, Raipur (C.G.)
	3 Director, Tribal Research Institute University Campus Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Prakash Tiwari, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State/ respondents on advance copy.

ORAL ORDER
(11.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner argues that previously a common departmental proceeding was initiated against the petitioner bearing No. 171/Four/Reader/99, Jagdalpur dated 10.1.2000 but later on, on jurisdictional point, the common proceedings were withdrawn by order dated 5th March, 2007 and now, on the same cause of action, a separate departmental proceeding has been drawn against the petitioner under Rule 14 (1) of the C.G. Civil Service (Classification, Control & Appeal) Rule, 1966. He submits that initiation of the subsequent proceedings on the same cause of action is not maintainable.

I have considered the points raised by the learned counsel for the petitioner. If inadvertently or due to mistake, a common departmental proceeding was drawn against a delinquent employee and when mistake was discovered, he was discharged of the said common proceeding, then, there would be no bar in initiation of a separate proceeding against him for the same cause of action, for which, the earlier common proceeding was drawn.

Learned counsel for the petitioner also could not point out any provisions of law, which may prohibit such separate proceeding drawn against the delinquent employee.

There appears to be no irregularity or illegality while drawing a separate proceeding vide order dated 5th March, 2007 (Annexure-P/1).

I do not find any illegality in steps taken by the State.

The petition has no merit, the same is dismissed at the motion stage itself.

However, looking to the time spent from 1998 till date, it is expected that the concerned authority of the Government would expedite the proceedings of departmental enquiry at the earliest.

Sd/-
Sunil Kumar Sinha
Judge

vatti